

REMARKS

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2 Applicant respectfully requests reconsideration and allowance of the
3 subject application. Claims 30-39 are pending.
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37 C.F.R. § 131 Declaration

6 Applicant submits herewith another Declaration under 37 C.F.R. §1.131
7 and supporting documentation to evidence that the invention was conceived in the
8 United States prior to July 1999, which predates the Dougherty reference (7/1/1999).
9 For example, as stated in the co-filed declaration, the document "Push Model XML
10 Parser/Node Factory", which was prepared prior to July 1, 1999, provides support for
11 the recited features, examples of which include parsing (e.g., pages 2-4), converting
12 (e.g., pages 10-13), validating (e.g., pages 7, 14 and 19-20) and constructing (e.g.,
13 pages 2, 7, 9, 14 and 19-20). Accordingly, the Dougherty reference should be
14 removed as it is not prior art.
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35 U.S.C. § 103

17 In the Action, Claims 30-39 were rejected under 35 U.S.C. § 103 as being
18 unpatentable over Dougherty and further in view of Authority. Applicant
19 respectfully traverses the rejection in view of the 131 Declaration, which removes
20 the Dougherty reference. Because the Dougherty reference was asserted in each of
21 the rejections, the §103 rejection should be withdrawn.
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Conclusion

Claims 30-39 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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